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PATENTS, TRADEMARKS, COPYRIGHTS, AND INTELLECTUAL PROPERTY LAW  
8321 OLD COURTHOUSE ROAD, SUITE 200

VIENNA, VIRGINIA 22182-3817

TELEPHONE: (703) 761-4100

FACSIMILE/DATA: (703) 761-2375; 761-2376

E-MAIL: MCGINNGIBB @ AOL.COM / ADMIN @ MCGINNIPLAW.COM

SENDER'S E-MAIL: JDRESCH @ MCGINNIPLAW.COM

SEAN M. MCGINN  
PHILLIP E. MILLER†  
FREDERICK E. COOPERRIDER†  
JAMES E. HOWARD†  
JOHN J. DRESCH  
SCOTT M. TULINO  
J. BRADLEY WRIGHT†  
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PETER F. MCGEET†  
†MEMBER OF BAR OTHER THAN VA

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**VIA FACSIMILE**

**(Total No. of Pages Transmitted: 9 )**

**To: Examiner Martin J. Angebrannt  
Group Art Unit: 1756  
U.S.P.T.O.**

**Facsimile No.: 571-273-8300**

**From: John J. Dresch, Esq.**

**Facsimile No.: 703-761-2375**


**Re: Enclosed Statement of Substance of Interview  
U.S. Patent Application No.: 09/994,659  
Attorney Docket No.: T36-137764M/AJO  
Our Reference: NGB.196**

**Dear Examiner Angebrannt:**

Enclosed for filing is a Statement of Substance of the Interview, in the above-referenced application, summarizing the personal interview conducted on June 1, 2006.

Thank you in advance for your kind consideration on this case.

Very truly yours,

  
John J. Dresch, Esq.  
Registration No. 46,672

JJD/SMM

Enclosures (Statement of Substance of Interview, Patent Assignment Abstract of Title (2))

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NGB.196

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Kagami, et al.

Serial No.: 09/994,659

Group Art Unit: 1756

Filed: November 28, 2001

Examiner: Angebranndt, Martin J.

For: METHOD FOR MANUFACTURING OPTICAL TRANSMISSION DEVICE

Commissioner for Patents  
Alexandria, VA 22313-1450**STATEMENT OF SUBSTANCE OF THE INTERVIEW**

Sir:

Please review and enter the following remarks summarizing the interview conducted on June 1, 2006.

As a preliminary matter, Applicant's representative would like to thank Primary Examiner Martin J. Angebranndt for courtesies extended in the productive personal interview conducted on June 1, 2006.

An informal Examiner's Interview Summary Record (PTOL-413) was provided by the Examiner at the interview. Applicant submits this Statement to comply with the requirements of M.P.E.P. § 713.04.

In the interview, the Request for Reconsideration under 37 C.F.R. § 1.116 (which was entered in the record by the filing of a Request for Continued Examination) filed on November 10, 2005 was discussed, including the following:

**I. Participants**

- (1) John J. Dresch, Registration No. 46,672
- (2) Examiner Martin J. Angebranndt, Art Unit 1756

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**II. Date and Time of Interview**

June 1, 2006

**III. Type of Interview Requested**

Personal.

**IV. Exhibits**

None.

**V. Issues Discussed:**

**A. Identification of claims discussed:**

Generally, claims 1-28 and 35-39.

**B. Identification of rejections to be discussed:**

Claims 1-28, 38, and 39 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Kagami, et al. (Japanese Patent No. 2000-347043).

Also, claims 1-28, 38, and 39 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,703,188 to Kagami (which matured from U.S. Application No. 09/534,458).

Claims 1-28, 38, and 39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kagami - JP in view of Kawabata, et al. (U.S. Patent No. 5,665,494), or alternatively, over Kagami '188 in view of Kawabata.

Claims 35-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 08-320422, in view of Anderson '702 and Kagami - JP.

Claims 1-28, 38, and 39 allegedly conflict with claims 1-8 and 11 of Kagami '188 under 37 C.F.R. § 1.78(b).

Claims 1-28, 38, and 39 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 and 11 of

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Kagami '188 in view of Houlihan, et al. (U.S. Patent No. 6,204,304; hereinafter "Houlihan") and Kawabata.

**C. Identification of principal proposed amendments:**

None.

**D. Brief Identification of principal arguments:**

The traversal arguments set forth in the Request for Reconsideration under 37 C.F.R. § 1.116 filed on October 27, 2005, were discussed.

Also, the appropriate factual support for a Declaration under 37 C.F.R. § 1.132, for overcoming the present rejections was discussed.

**Examiner's Suggestions**

In the interview, the Examiner noted that the process disclosed in example 1, 488 nm are used as the laser light and 325 nm is used to cure both monomers. The Examiner stated that this suggests two photoinitiators in addition to the two monomer (one for sensitization at each wavelength). This sensitivity to 488 nm suggests the presence of photosensitizers, similar to those discussed in Kawabata et al. The Examiner stated that the independent claims do not include this limitation.

The Examiner suggested that Applicant's may choose to exploit this by including language describing the composition being sensitized for 488 nm or the process using the 488 nm laser for the first exposure.

The Examiner noted that the description of photosensitizers in the instant specification appears at [0113] of the prepublication and the 488 nm laser at [0115] of the prepublication.

The Examiner also stated that Applicant also may address secondary issues to obviate the 103 rejections which include Kawabata. Since there are Applicant/inventors

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in common with the instant application, the Applicant may choose to swear out a declaration describing the compositions used in the examples of Kagami '188 and JP 2000-247043, including at least the monomers, photoinitiators, chain extenders and any sensitizers used as a statement of fact and then speak to the differences between those compositions and how they are outside the scope of coverage sought. The photoinitiators will be of particular interest as they define/control the mode/mechanism of polymerization of the epoxy monomers which are at issue. The Examiner stated that differentiating the claims from Kagami '188 and JP 2000-24703 references is of particular importance.

#### **Double Patenting Rejection**

With respect to the double patenting rejection, the Examiner stated that the assignment seems to be to different companies.

However, the Examiner stated that it was not clear if the companies are wholly owned subsidiaries of a holding company or the like, or entirely separate entities. The Examiner stated that there seems to be some relationship based upon common research interests.

Applicant's representative reiterated that the present invention and Kagami '188 are assigned to different companies as evidenced in the official record of the U.S. Patent Office. Applicant's representative provided the attached copies of the Patent Assignment Abstract of Title for the present invention and Kagami '188 showing the respective official assignments of record.

Applicant's representative argued that the official assignment records of the U.S. Patent Office form the basis of whether the present application and Kagami '188 are commonly assigned under 35 U.S.C. § 103(c). That is, the legal assignment of the patent

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rights to the respective companies is deterministic of whether the present application and Kagami '188 were commonly assigned at the time of the invention. Applicant's representative stated that the issue of whether possible joint research was being performed by such assignees or whether common inventors exist is not germane to such a determination of common ownership, since common ownership is a matter of the official legal assignment of patent rights.

**E. Results of the Interview:**

No agreement was reached in the interview.

The Examiner stated that a Preliminary Amendment would be considered upon filing by Applicant and that an Office Action after RCE would be issued shortly thereafter.

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**VI. Conclusion:**

No fees are believed to be necessary. However, the Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: July 3, 2006


  
John J. Dresch  
Registration No. 46,672

Sean M. McGinn  
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY  
LAW GROUP, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
Customer No. 21254

**CERTIFICATE OF TRANSMISSION**

I certify that I transmitted via facsimile to (571) 273-8300 the enclosed Statement of Substance of Interview to Examiner Martin J. Angebranndt, Art Unit 1756, on July 3, 2006.

  
John J. Dresch, Esq.  
Registration No. 46,672

USPTO Assignments on the Web

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Kagami

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Assignments on the Web &gt; Patent Query

**Patent Assignment Abstract of Title*****NOTE: Results display only for issued patents and published applications. For pending or abandoned applications please consult USPTO staff.*****Total Assignments: 1****Patent #:** 6703188 **Issue Dt:** 03/09/2004 **Application #:** 09534458 **Filing Dt:** 03/27/2000**Inventors:** Manabu Kagami, Tatsuya Yamashita, Hiroshi Ito, Yasuhiko Takeda**Title:** METHOD OF FABRICATING OPTICAL WAVEGUIDE STRUCTURE**Assignment: 1****Reel/Frame:** 014849/0463**Recorded:** 01/06/2004**Pages:** 3**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** KAGAMI, MANABU**Exec Dt:** 02/10/2000YAMASHITA, TATSUYA**Exec Dt:** 02/10/2000ITO, HIROSHI**Exec Dt:** 02/10/2000TAKEDA, YASUHIKO**Exec Dt:** 02/10/2000**Assignee:** KABUSHIKI KAISHA TOYOTA CHUO KENKYUSHO

41-1, AZA YOKOMICHI, OAZA NAGAKUTE

NAGAKUTE-CHO, AICHI-GUN

AICHI-KEN 480-1192, JAPAN

**Correspondent:** OBLON, SPIVAK, MCCLELLAND, MAIER & NEUST

1940 DUKE STREET

ALEXANDRIA, VA 22314

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Reel/Frame: 012327/0278

Recorded: 11/28/2001

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Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Total properties: 1

1 Patent #: NONE Issue Dt: Application #: 09994659 Filing Dt: 11/28/2001  
Publication #: US20020114601 Pub Dt: 08/22/2002  
Title: Method for manufacturing optical transmission device

**Assignors**

1 <u>KAGAMI, MANABU</u>	Exec Dt: 11/20/2001
2 <u>YAMASHITA, TATSUYA</u>	Exec Dt: 11/20/2001
3 <u>ITO, HIROSHI</u>	Exec Dt: 11/20/2001
4 <u>OKAMOTO, KAZUO</u>	Exec Dt: 11/20/2001
5 <u>YONEMURA, MASATOSHI</u>	Exec Dt: 11/20/2001
6 <u>KATO, SATORU</u>	Exec Dt: 11/20/2001
7 <u>MAEDA, MITSUTOSHI</u>	Exec Dt: 11/20/2001
8 <u>CHUJO, NAOKA</u>	Exec Dt: 11/20/2001
9 <u>WADA, TAKASHI</u>	Exec Dt: 11/20/2001
10 <u>INUI, YUKITOSHI</u>	Exec Dt: 11/20/2001
11 <u>FUKUMOTO, SHIGERU</u>	Exec Dt: 11/20/2001
12 <u>YOSHIMURA, NAOKI</u>	Exec Dt: 11/20/2001

**Assignee**

1 TOYODA GOSHI CO., LTD.  
1, NAGAHATA, OCHIAI, HARUHO-CHO  
NISHIKASUGAI-GUN, AICHI 452-8564, JAPAN

**Correspondence name and address**

PILLSBURY WINTHROP LLP  
JOHN P. DARLING  
INTELLECTUAL PROPERTY GROUP  
1600 TYSONS BOULEVARD  
MCLEAN, VA 22102

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